

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document # **72**

U.S.C.A. #

**89-cr-0810-2**

U.S.D.C. #

**07-cv-8514**

JUDGE: **SS**

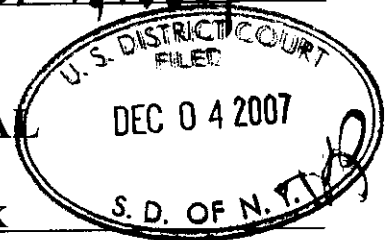
DATE: **DEC. 4, 2007**

**USA**

-v-

**ORTIZ**

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): **THOMAS R. PISARCZYK**  
FIRM: **U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK**  
ADDRESS: **500 PEARL STREET, ROOM 370**  
**NEW YORK, NEW YORK 10007**  
PHONE NO.: **(212) 805 - 0636**

DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	
<b>** ONLY CIRCLED DOCUMENTS ARE INCLUDED **</b>	
<b>** ALL OTHERS MISSING AT THIS TIME **</b>	

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the **4th** Day of **DECEMBER**, 2007.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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U.S.C.A. # 89-CR-0810-2  
U.S.D.C. # 07-CV-8514  
JUDGE: SS  
DATE: DEC. 4, 2007  
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USA  
-v-  
ORTIZ


**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered \_\_\_\_ Through \_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
	<b>BALANCE OF FILE MISSING AT THIS TIME</b>

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 4th Day of DECEMBER In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By   
Deputy Clerk

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PROCEEDINGS

10/06/89

Defendant arrested (Dkt'd 10/23/89).

10/07/89

Filed magistrate complaint (MAGISTRATE BERNIKOW) (Dkt'd 10/23/89).

10/07/89

Filed CJA Form #23 - financial affidavit on magistrate proceedings (MAGISTRATE BERNIKOW) (Dkt'd 10/23/89).

10/07/89

Filed appearance of LIPSON, JACK as attorney for defendant (Dkt'd 10/23/89).

10/07/89

Order appointing Federal Public Defender LIPSON, JACK to represent defendant (MAGISTRATE BERNIKOW) (Dkt'd 10/23/89).

10/07/89

Defendant's first appearance (DEFT ORTIZ (ATTY JACK LIPSON PRES) DEFT ORTIZ (ATTY JACK LIPSON PRES) REMANDED PENDING DET HRG 10-10-89 AT 10:30) (MAGISTRATE BERNIKOW) (Dkt'd 10/23/89).

10/10/89

Bail hearing held (DEFT ORTIZ (ATTY JACK LIPSON PRES) DETAINED) (MAGISTRATE ROBERTS) (Dkt'd 10/23/89). Order filed (FILED ORD OF DET PENDING TRIAL) (MAGISTRATE ROBERTS) (Dkt'd 10/23/89).

10/23/89

- FILED INDICTMENT 89 CR 810 (Dkt'd 10/24/89). Filed indictment (MAGISTRATE GRUBIN) (Dkt'd 10/25/89). US Attorney SEYMOUR, SAMUEL W added to case (Dkt'd 10/25/89).

11/02/89

Arraignment held (Count 1) (DEFT RAMOS PRESENT WITH TTY CHRIS GERGOULES AND INTERPRETER DALY FERNANDEZ DEFT PLEADS NOT GUILTY. DEFT DETAINED DEFT ORTIZ PRESENT WITH ATTY JACK LIPSON. DEFT PLEADS NOT GUILTY DEFT DETAINED WITHOUT BAIL. DEFT PEREZ PRESNET. ATTY DAVID WEISS NOT PRESENT. COURT ENTERS NOT GUILTY PLEA. DEFT DETAINED WITHOUT BAIL. CASE ASSIGNED TO LEVAL FOR ALL PURPOSES) (MAGISTRATE GERSHON) (Dkt'd 11/03/89). Defendant's first appearance (MAGISTRATE GERSHON) (Dkt'd 11/03/89).

Defendant enters plea of not guilty (Count 1) (MAGISTRATE GERSHON) (Dkt'd 11/03/89).

11/09/89

Filed appearance of AAB, RAYMOND J as attorney for defendant (FILED NOTICE OF APPEARANCE) (Dkt'd 11/09/89). Filed appearance of AAB, RAYMOND J as attorney for defendant (450 7TH AVE NEW YORK NY 10123 TEL # 736-9700) (Dkt'd 11/09/89).

Attorney AAB, RAYMOND J added to case (Dkt'd 11/09/89). Pre-trial conference held (Count 1) (DEFTS PRODUCED BY U.S. MARSHALL WITH ALL DEFTS COUNSEL AUSA SAM SEYMOUR PRESENT. PTC HELD. ALL TIME EXCL. FROM 11-6-89 TO 1-10-90 NEXT CONFERENCE 1-10-90 4:30PM) (JUDGE LEVAL) (Dkt'd 11/15/89).

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11/15/89

Defendant's first appearance (MAGISTRATE GERSHON) (Dkt'd 11/15/89).

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Mark the beginning of a potential excludable period of type X-T starting on 11/06/89 ((In re PTRCNFH on 11-6-89)) (Dkt'd 11/15/89).

Excludable delay based on finding the ends of justice served by continuance began on 11/06/89 and ended on 01/10/90 (Dkt'd 11/15/89).

11/27/89 21

Motion to dismiss filed (MOT#1) (FILED DEFTS MOTION TO DISMISS INDICENT UPON GROUNDS OF UNCONSTITUTIONAL DRAWING AND SELECTION OF JURIES AND UNCONSTITUTIONAL OF CERTAIN PROVISIONS OF THE JURY SELECTION AND SERVICE ACT.) (Dkt'd 12/06/89).

21

Mark the beginning of a potential excludable period of type X-E starting on 11/27/89 ((In re MOTFDD on 11-27-89)) (Dkt'd 12/06/89).

12/18/89 22

Order filed (FILED ORDER THAT HE DIRECTOR OF THE BUREAU OF PRISONS AND THE U.S. MARSHAL TRANSFER WILLIAM ORTIZ FROM THE OTISVILLE CORRECTIONAL FACILITY TO THE METROPOLITAN CORRECTION CENTER FOR MEETINGS WITH HIS COUNSEL ON JANUARY 3-4 AND JAN. 9-11 LEVAL J. CM COPY GIVEN TO MARSHALS) (JUDGE LEVAL) (Dkt'd 12/19/89).

01/10/90

Pre-trial conference held (Count 1) (DEFTS RAMOS, ORTIZ AND PREREZ PRESENT WITH ATTY RALPH SOTO RAYMOND ALBO AND DAVID WEISS. AUSA SAM SEYMOUR PRESENT. PTC HELD. ALL TIME EXCLUDED FROM 1-10-90 TO 2-7-90. NEXT CONFERENCE 2-7-90 5PM) (JUDGE LEVAL) (Dkt'd 01/17/90).

Excludable delay based on finding the ends of justice served by continuance began on 01/10/90 and ended on 02/07/90 (Dkt'd 01/17/90).

01/19/90 24

- FILED PRIOR FELONY INFORMATION (Dkt'd 01/22/90).

02/08/90

Pre-trial conference held (Count 1) (DEFTS ALL PRESENT OR PRODUCED BY U.S. MARSHAL WITH ATTYS PRESENT. AUSA PRESENT. INTERPRETER PRESENT. ALL TIME EXCLUDED FROM 2-8-90 TO 4-4-90. ALL DEFTS MOTION BE FILED BY 3-14-90. GOVERNMENT RESPONSE TO BE FILED BY 3-28-90 DEFTS REPLY TO BE FILED BY 4-4-90. NEXT CONFERENCE 4-4-90. 4 45PM) (JUDGE LEVAL) (Dkt'd 02/08/90).

Excludable delay based on finding the ends of justice served by continuance began on 02/08/90 and ended on 04/04/90 (JUDGE LEVAL) (Dkt'd 02/08/90).

03/14/90 25

Motion filed (MOT#2) (FILED DEFTS NOTICE OF MOTION SEEKING THE RELIEF DETAILED IN THE APPENDED MOTIONS PAPERS. RET 4-4-90). (Dkt'd 03/15/90).

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04/02/90 27

Motion to dismiss filed (MOT#4) (FILED DEFTS PRO SE MOTION TO DISMISS THE INDICTMENT UPON GROUNDS OF UNCONSTITUTIONAL DRAWING AND SELECTING OF JURIES AND UNCONSTITUTIONALITY OF CERTAIN PROVISIONS OF THE JURY SELECTION AND SERVICE ACT.) (Dkt'd 04/04/90).

27

Mark the beginning of a potential excludable period of type X-E starting on 04/02/90 ((In re MOT#4 on 4-2-90)) (Dkt'd 04/04/90).

04/04/90

Pre-trial conference held (Count 1) (DEFT ORTIZ AND PEREZ PRODUCED BY U.S. MARSHAL COUNSEL PRESENT AUSA SAM SEYMOUR PRESENT. SPANISH INTERPRETER PRESENT. PTC HELD. DEFT RAMOS DEFT RAMOS DEAD GOVERNMENT TO FILE. MOLLE. ARGUMENT ON DEFTS MOTIONS IS SET FOR 4-12-90 9:30AM. ALL TIME EXCLUDED FROM 4-4-90 TO 5-21-90. TRIAL DATE 5-21-90. 9:30AM) (JUDGE LEVAL) (Dkt'd 04/10/90).

Excludable delay based on finding the ends of justice served by continuance began on 04/04/90 and ended on 05/21/90 (Dkt'd 04/10/90).

04/17/90

Order filed (FILED EMO AND ORDER THAT DEFT OVES FOR DISMISSAL OF THE INDICTMENT THE MOTION IS DENIED. CCM) (JUDGE LEVAL) (Dkt'd 04/18/90)

28

Motion to dismiss denied (MOT#4) (JUDGE LEVAL) (Dkt'd 04/18/90).

29

Order filed (FILED ORDER THAT DEFTS WILLIAM ORTIZ AND ANGEL PEREZ SHALL BE BROUGHT TO THE MCC 4-19-90 AND SHALL BE HELD AT MCC TO 5-3-90 AT WHICH TIME THEY MAY BE RETRIRED TO OTISVILLE) (JUDGE LEVAL) (Dkt'd 04/18/90).

Pre-trial conference held (Count 1) (DEFT ORTIZ AND PEREZ PRODUCED BY U.S. MARSHAL WITH COUNSEL PRESENT AUSA SAM SEYMOUR PRESENT. PTC HELD. TRIAL DATE 5-21-90 9:30. ORDER FILED ON COURTS DECISIONS ON DEFTS MOTION) (JUDGE LEVAL) (Dkt'd 04/20/90).

05/07/90

Order filed (ORDERED THAT THE DEFTS SHALL BE HELD AT MCC FOR TRIAL PREPARATION PENDING TRIAL, SET FOR 5-21-90 CM) (JUDGE LEVAL) (Dkt'd 05/07/90).

05/14/90

Pre-trial conference held (Count 1) (DEFT PEREZ PROD. BY U.S. MARSHALS WITH DEFT ATTY ROBERT KOPPELMAN PRESENT. AUSA SAM SEYMOUR PRESENT. DEFT PEREZ W/D PLEA OF NOT GUILTY AND P/G TO LESSER INCLUDED OFFENSE IN CT. 1 AS AMENDED (SEE TRANSCRIPT) COURT ACCEPTS PLEA. CT. 1 ORDERED. SENT. ADJ'D TO 6-11-90 (4:30 PM) BUT SENTENCE. CT. 1 FOLLOWS SENTENCE IN PRIOR TRIAL BEFORE J. PATTERSON. DEFT ORTIZ REQUESTS DELAY IN TRIAL SET FOR 5-2190 FOR REASONS OF PSYCHOLOGIST EVALUATION AND REPORT --COURT DENIES REQUEST AT THIS TIME. DEFT ORTIZ REQUEST TO CHARGE AND VORI DIRE TO BE FILED BY 5-

J03 \*\*\*

\*\*\* J04 \*\*\*

\*\*\* K04 \*\*\*

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17-90..LEVAL,J.) (JUDGE LEVAL) (Dkt'd 05/16/90).

05/16/90 <sup>35</sup> Government's requested voir dire (Dkt'd 05/16/90).  
 Filed government's request to charge (Dkt'd 05/16/90).

05/23/90 <sup>36</sup> Filed CJA Form #23 - financial affidavit on magistrate  
 proceedings (JUDGE LEVAL) (Dkt'd 05/24/90).  
 Order case reassigned to JUDGE TSOUICALAS (CASE ORDERED  
 REASSIGNED 5-16-90.) (Dkt'd 06/06/90).  
 Hearing held (5-17-90, PTC, DEFT ORTIZ PRES W/ATTY RAMOND J.  
 AAB, AUSA SAM SEYMOUR PRES, COURT REPORTER DONALD WHITE  
 PRES. TRIAL SCHEDULED FOR 6-18-90 @ 9:30 AM, T/E. UNTIL 6-  
 18-90, PURS TO T18 USC 3161) (JUDGE TSOUICALAS) (Dkt'd  
 06/06/90).

Trial date set for 06/18/90 @ 9:30 AM (Count 1) (JUDGE  
 TSOUICALAS) (Dkt'd 06/06/90).

Mark the beginning of a potential excludable period of type  
 X-T starting on 05/17/90 and not to extend beyond 06/18/90  
 (Dkt'd 06/06/90).

06/15/90 <sup>39</sup> Filed affidavit (FLO AFFIDAVIT IN SUPPORT OF ARREST OF  
 MATERIAL WITNESS.) (MAGISTRATE GERSHON) (Dkt'd 06/18/90).

06/19/90 Voir dire begins-jury (Count 1) (JUDGE TSOUICALAS) (Dkt'd  
 07/02/90).

Trial begins-jury (Count 1) (DEFT PRES W/ATTY RAMOND AAB,  
 AUSA STEPHEN FISHBEIN & COURT REPORTER MARVIN BIRNBAUM PRES.  
 JURY SELECTED, OPENING STATEMENTS BY BOTH PARTIES.  
 TESTIMONY BEGUN.) (JUDGE TSOUICALAS) (Dkt'd 07/02/90).

06/20/90 Trial held-jury (Count 1) (TRIAL CONTINUED, SUMMATIONS BY  
 BOTH PARTIES.) (JUDGE TSOUICALAS) (Dkt'd 07/02/90).

06/21/90 Trial held-jury (Count 1) (TRIAL CONTINUED, COURT CHARGES  
 JURY @ 10:44 AM.) (JUDGE TSOUICALAS) (Dkt'd 07/02/90).

06/22/90 Trial held-jury (Count 1) (TRIAL CONTINUED, JURY RESUMES  
 DELIBERATIONS. JURY RETURNS VERDICT OF GUILTY, SENTENCE  
 SCHEDULED FOR 9-11-90 @ 10:00 AM PSI ORDERED.) (JUDGE  
 TSOUICALAS) (Dkt'd 07/02/90).  
 Trial ends-jury (Count 1) (JUDGE TSOUICALAS) (Dkt'd  
 07/02/90).

Jury verdict of guilty (Count 1) (Dkt'd 07/02/90).  
 Sentencing set for 09/11/90 @ 10:00 AM (Count 1) (JUDGE  
 TSOUICALAS) (Dkt'd 07/02/90).  
 Order cause referred to the probation department for a pre-  
 sentence investigation (Count 1) (JUDGE TSOUICALAS) (Dkt'd  
 07/02/90).

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07/20/90 (40)

Order filed (filed memoand order that raymond j. aab is hereby authorized to represent deft william ortiz counsel UNDER THE CJA IS EFFECTIVE AS OF 5-4-90 THE DATE ON WHICH ORTIZ'S AFFIDAVIT OF INDIGENCY WAS SIGNED.) (JUDGE LEVAL) (Dkt'd 07/23/90).

08/22/90

Status hearing held (DEFT PRES W/ATTY RAYMOND AAB, AUSA STEPHEN FISHBEIN, PRES COURT REPORTER SANDRA MIASKOFF PRES. RAYMOND AAB RELIEVED BY COURT. ALAN POLAK OF THE CJA PANEL APPTD BY THE COURT. DEFT CONT'D REMANDED.) (JUDGE TSOUICALAS) (Dkt'd 08/23/90)

Status hearing held (DEFT ORTIZ PRES W/ATTY RAYMOND AAB, AUSA STEPHEN FISHBEIN PRES, COURT REPORTER SANDRA MIASKOFF PRES. RAYMOND AAB RELIEVED BY COURT. ALAN POLAK OF THE CJA PANEL APPTD. BY THE COURT CONT'D REMANDED) (JUDGE TSOUICALAS) (Dkt'd 09/07/90).

Attorney AAB RAYMOND J deleted from case (JUDGE TSOUICALAS) (Dkt'd 09/17/90).

Attorney POLAK, ALAN G added to case (JUDGE TSOUICALAS) (Dkt'd 09/17/90).

09/11/90

Sentencing reset to 10/29/90 @ 10:00 AM (count 1) (DEFT PRES W/ATTY ALAN POLAK, AUSA STEPHEN FISHBEIN & COURT REPORTER VINCENT BOLOGNA PRES. SENTENCE ADJ TO 10-29-90 @ 10:00 AM. DEFT CONT'D REMANDED.) (JUDGE TSOUICALAS) (Dkt'd 09/17/90).

09/13/90 (42)

Filed CJA Form #20 copy #5 appointing POLAK, ALAN G as attorney for defendant (JUDGE TSOUICALAS) (Dkt'd 09/17/90).

10/29/90 (45)

Sentencing of defendant (count 1) (FLD JUDGMENT IN A CRIMINAL CASE. DEFT PRES W/ATTY ALAN G. POLAK. THE DEFT WAS FOUND GUILTY ON COUNT ONE AFTER A PLEA OF NOT GUILTY. THE DEFT IS HEREBY COMMITTED TO THE CUSTODY OF THE U.S. BUREAU OF PRISONS TO BE IMPRISONED FOR A TERM OF SIX HUNDRED (600) MONTHS. THE DEFT IS REMANDED TO THE CUSTODY OF THE U.S. MARSHAL. UPON RELEASE FROM IMPRISONMENT, THE DEFT SHALL BE ON SUPERVISED RELEASE FOR A TERM OF 10 YEARS. IT IS ORDERED THAT THE DEFT SHALL PAY A SPECIAL ASSESSMENT OF \$50.00 FOR COUNT ONE WHICH SHALL BE DUE IMMEDIATELY. DEFT NOTIFIED OF HIS RIGHT TO APPEAL.) (JUDGE TSOUICALAS) (Dkt'd 10/30/90). Issued judgement and commitment to U.S. Marshal (count 1) (JUDGE TSOUICALAS) (Dkt'd 10/30/90).

11/02/90

- DOCKETED AS A JUDGMENT ON 11-2-90 #90,3053. (Dkt'd 11/20/90).
- DOCKETED AS A JUDGMENT #90,2153 ON 11-2-90. (Dkt'd 12/19/90).

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11/07/90 46  
Filed notice of appeal (Count 1) (APPL#1) (FLD NOTICE OF APPEAL TO THE USCA-SECOND CIRCUIT FROM JUDGMENT ENTERED ON 10-29-90. MAILED NOTICE OF APPEAL TO ALAN G. POLAK, 225 BROADWAY STE 515 NY NY 10007, AND AUSA STEPHEN FISHEIN AND FORWARDED COPY OF NOTICE OF APPEAL TO JUDGE TSOUKALAS AND COPY OF NOTICE OF APPEAL AND DOCKET ENTRIES TO CA.) (Dkt'd 11/20/90).

12/06/90 47  
Certified and transmitted record on appeal to United States Court of Appeals (APPL#1) (FLD THE ORIGINAL RECORD ON APPEAL IN THE ABOVE ENTITLED ACTION. IT HAS BEEN CERTIFIED AND TRANSMITTED TO THE USCA.) (Dkt'd 12/10/90).

12/07/90 48  
Filed transcript of proceedings for 10/29/90 (Dkt'd 12/10/90).

03/06/91 49  
Filed transcript of proceedings for 03/06/91 (For June 19, 20, 21, 22, 1990) (Dkt'd 03/12/91).

06/18/91 50  
Filed certified copy of order from U.S. Court of Appeals affirming judgment of U.S. District Court (APPL#1) (ON CONSIDERATION WHEREOF, IT IS NOW HEREBY ORDERED, ADJUDGED, AND DECREED THAT THE JUDGMENT OF SAID DISTRICT COURT BE AND IT IS HEREBY IS AFFIRMED.) (Dkt'd 06/19/91).

.....  
End of docket

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CLOSED, INTAPP

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:89-cr-00810-SS-2**  
**Internal Use Only**

Case title: United States v. Ramos  
 Related Case: 1:07-cv-08514-KMW

Date Filed: 10/23/1989  
 Date Terminated: 10/29/1990

Date Filed	#	Docket Text
04/07/1992		NOTICE OF MOTION by William Ortiz to vacate under 28 U.S.C. 2255 , ( Civil Action # 92 civ 2491 (SS)) (mk) (Entered: 03/30/1995)
03/24/1993		NOTICE OF CHANGE OF ADDRESS by William Ortiz 19003-054 F.C.I. McKean. P.O. Box 8000 Bradford, PA 16701-0980 (kr) (Entered: 03/24/1993)
07/12/1993		CASE assigned to Judge Sonia Sotomayor (jh) (Entered: 07/16/1993)
07/12/1993	51	MEMORANDUM OPINION # 71761 as to William Ortiz, the Govt is instructed to file a short brief, no longer than 10 pages in length setting forth why this court should not grant petitioner's motion to amend his petition etc ( Signed by Judge Sonia Sotomayor ); Copies mailed. (jh) (Entered: 07/16/1993)
05/11/1994	52	TRANSCRIPT of record of proceedings as to William Ortiz for dates of 5/14/90. (rag) (Entered: 05/11/1994)
06/03/1994	53	TRANSCRIPT of record of proceedings as to William Ortiz for dates of 8/22/90. (md) (Entered: 06/07/1994)
06/22/1994	54	Filed Memo-Endorsement on letter to Judge Sotomayor dtd. June 15, 1994 from Barry C. Scheck as to William Ortiz, request for a ten day extension for papers due on June 17, 1994 is granted. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (rag) (Entered: 06/28/1994)
06/29/1994	55	TRANSCRIPT of record of proceedings as to Angel Rafael Perez, William Ortiz for dates of 4/17/94. (ys) (Entered: 06/29/1994)
06/29/1994	56	TRANSCRIPT of record of proceedings as to Hector Ramos, Angel Rafael Perez, William Ortiz for dates of 4/4/90. (ys) (Entered: 06/29/1994)
06/30/1994	57	TRANSCRIPT of record of proceedings as to William Ortiz for dates of 3/21/94. (ys) (Entered: 06/30/1994)
03/24/1995		OPINION # 74482 as to William Ortiz denying [0-1] motion to vacate under 28 U.S.C. 2255 as to William Ortiz (o) ( Signed by Judge Sonia Sotomayor ); Copies mailed. (Orig. fld. in 92 civ 2491(SS)) (mk) (Entered: 03/30/1995)
09/14/1995	58	MOTION by William Ortiz for reduction of sentence.. , (gb) (Entered: 09/21/1995)
09/25/1995	59	Filed Memo-Endorsement on letter to Judge Sotomayor from Rose A. Gill dtd. 9.19.95.. as to William Ortiz, in re: reference to Judges in the action..."I do not know wter the latest motion was properly docketed. The Government's inquiry with the Clerk's office indicates it was not properly filed. As you will notice Ortiz directed the motion before Judge Tsoucalas, rather than Judge Sotomayor...This new motion should be before Judge Tsoucalas... ( Signed by Judge Sonia Sotomayor ); Copies mailed. (gb) Modified on 09/28/1995 (Entered: 09/28/1995)
10/04/1995		Filed Memo-Endorsement on defendant's pro-se post conviction motion for reduction of sentence as to William Ortiz, this motion does not belong before me. It should go to Judge Tsoucalas. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (rag) (Entered: 10/04/1995)
02/21/1996	60	Filed letter to Judge Tsoucalas from AUSA Rose A. Gill as to William Ortiz. In Re: To govt. opposition to the dft's. motion for reduction of sentence. (mb) (Entered: 02/21/1996)
02/27/1996		MEMORANDUM OPINION # 76198 as to William Ortiz denying [58-1] motion for reduction of sentence... Original filed in 92 Civ. 2491 (SS) DOC # 17.. ( Signed by Judge Nicholas J. Tsoucalas ); Copies mailed. (kk) (Entered: 03/26/1996)
04/08/1996	62	NOTICE OF APPEAL by William Ortiz from a final order entered on March 18, 1996. Copies sent to US Atty., courtreporters, Deft. USCA. (as) (Entered: 05/15/1996)
04/24/1996	61	Filed Memo-Endorsement on letter dated 4/24/96 signed by William Ortiz as to William Ortiz, Declaration in support of request for leave to appeal in Forma Pauperis... GRANTED. ( Signed by Judge Sonia Sotomayor ); Copies mailed. (mr) (Entered: 04/25/1996)
05/15/1996		Notice of appeal and certified copy of docket to USCA: [62-1] appeal by William Ortiz ; Copy of notice of appeal sent to District Judge. (as) (Entered: 05/15/1996)
05/20/1996	63	File notice that the original record on appeal as to William Ortiz has been certified and transmitted to USCA on 5/20/96 [0-0] transmitted appeal (cd) (Entered: 05/21/1996)
05/31/1996	65	Request for papers concerning U.S. currency seized from the dft. by William Ortiz. (mb) (Entered: 06/11/1996)
06/06/1996	66	File notice that the 1st Supplemental record on appeal as to William Ortiz has been certified and transmitted to USCA on 6/6/96 [62-1] appeal (kk) (Entered: 06/11/1996)

06/07/1996	64	Motion is denied for request for papers concerning U.S. currency seized from the defendant as to William Ortiz. (mb) (Entered: 06/07/1996)
07/23/1996	67	MANDATE OF USCA (certified copy) as to William Ortiz Re: [62-1] appeal withdrawing appeal (kk) (Entered: 07/29/1996)
04/06/2000	<del>6</del> 68	MOTION by William Ortiz to vacate under 28 U.S.C. 2255. Refer to 00cv2637. (mr) (Entered: 04/10/2000)
10/04/2001	68	MOTION by William Ortiz for reconsideration of [68-1] motion (jb) (Entered: 10/22/2001)
05/19/2004	69	MANDATE of USCA (Certified Copy) as to William Ortiz, USCA Case Number 03-3616-OD. DC Docket Number: 03-cv-8702. Notice Having Been Given that Petitioner was required to file an application requesting that this Court authorize a second or successive habeas corpus petition in the U.S.D.C., and Petitioner Having Failed to file said application within the Forty Five Days prescribed, Authorization for the underlying petition is denied pursuant to Liriano v. USA, 95 F.3d 119 (2nd Cir. (NY)). Roseann B. MacKechnie, Clerk USCA. Certified: 5/11/04. (bw, ) (Entered: 05/24/2004)
05/19/2004		Transmission of USCA Mandate/Order to the District Judge re: 67 USCA Mandate - Final Judgment Appeal. (pr, ) (Entered: 05/26/2004)
08/29/2005		ORDER as to William Ortiz. As this case has been transferred to another court, this Court no longer has jurisdiction to entertain the motion. As this application makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. Pursuant to 28 U.S.C. 1915(a)(3), any appeal from this order would not be taken in good faith. (Signed by Judge Michael B. Mukasey on 8/29/05) [*** NOTE: Original document filed in Civil Case 01-cv-8416(MBM), doc.#4. ***](bw) (Entered: 10/24/2007)
09/15/2005	<del>6</del> 70	MOTION Modification of Sentence pursuant to 18 U.S.C. section 3582(c)(2). Document filed by William Ortiz. (ph, ) (Entered: 09/16/2005)
05/10/2006	<del>6</del> 71	MOTION to Vacate under 28 U.S.C. 2255 ( Civil Action 06-cv-3542 (MBM).) Document filed by William Ortiz. (laq, ) (Entered: 05/15/2006)
10/02/2007		AMENDED MOTION to Vacate under 28 U.S.C. 2255 Document filed by William Ortiz. (jw) Civil case 1:07-cv-8514 opened. (Entered: 10/15/2007)
10/22/2007	71	NOTICE OF APPEAL from 10/15/07 Order. Document Entered by William Ortiz. copies sent to attorney(s) of record: A.U.S.A. (tp) (Entered: 12/04/2007)
10/22/2007		Appeal Remark as to William Ortiz re: 71 Notice of Appeal. \$455.00 APPEAL FEE DUE. IFP REVOKED. COA DENIED 12/3/07.(tp) (Entered: 12/04/2007)
12/04/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to William Ortiz to US Court of Appeals re: 71 Notice of Appeal.(tp) (Entered: 12/04/2007)

2255, APPEAL, CLOSED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-08514-KMW**  
**Internal Use Only**

Ortiz v. USA  
Assigned to: Judge Kimba M. Wood  
Related Case: 1:89-cr-00810-SS-2  
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 10/02/2007  
Date Terminated: 10/02/2007  
Jury Demand: None  
Nature of Suit: 510 Prisoner: Vacate Sentence  
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
10/02/2007		Magistrate Judge Kevin Nathaniel Fox is so designated. (jw) (Entered: 10/15/2007)
10/02/2007	1	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 89cr810 (NT). Document filed by William Ortiz.(jeh) (Entered: 10/15/2007)
10/02/2007	2	TRANSFER ORDER (U.S.C.A.), I direct the Clerk of Court to assign a docket number to this matter, but transfer this motion to the U.S.C.A. for the Second Circuit for reasons set forth in this order. Movant must move in the United States Court of Appeals for the Second Circuit for permission to pursue this application. Sent original file along with documents numbered 1-2, certified copy of docket entries and transfer order. This order closes the case. If the Circuit authorizes movant to proceed in this matter, he shall move to reopen under this docket number. Mailed via Inter-Office Mail on 10/16/2007. (Signed by Judge Kimba M. Wood on 10/02/2007) (jeh) (Entered: 10/15/2007)
10/22/2007		NOTICE OF APPEAL from 2 Transfer Order U.S.C.A. Document filed by William Ortiz. Copies sent to attorney(s) of record: A.U.S.A. ORIGINAL DOCUMENT ENTERED IN CRIMINAL CASE #89cr0810-2, DOC. #71. (tp) (Entered: 12/04/2007)
10/22/2007		Appeal Remark as to Notice of Appeal filed by William Ortiz. \$455.00 APPEAL FEE DUE. IFP REVOKED. COA DENIED 12/3/07. (tp) (Entered: 12/04/2007)
10/23/2007	3	MOTION for Leave to Appeal in forma pauperis (Request to Proceed in Forma Pauperis on Appeal). Document filed by William Ortiz.(jeh) (Entered: 10/26/2007)
12/03/2007	4	ORDER denying 3 Motion for Leave to Appeal in forma pauperis. As movant's application makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. (Signed by Judge Kimba M. Wood on 12/3/07) (cd) (Entered: 12/03/2007)
12/04/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: Notice of Appeal. (tp) (Entered: 12/04/2007)
12/04/2007		Transmission of Notice of Appeal to the District Judge re: Notice of Appeal. (tp) (Entered: 12/04/2007)